

## Joint Standing Committee on Education and Cultural Affairs

**LD 490**

**An Act to Assist Students with Disabilities**

**DIED IN  
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP MAJ	
PARADIS	OTP-AM MIN	

LD 490 was carried over from the First Regular Session and proposed to require that educational services be provided to a student with a disability who is suspended for behavior that is caused by the student's disability. It proposed that schools conduct a prompt review of whether the misconduct for which the school seeks to suspend a student with a disability is a manifestation of the student's disability. If the misconduct is a manifestation of the student's disability, the school could still suspend the student, but must provide services consistent with the student's individual education plan during the suspension.

**LD 870**

**An Act to Improve School Safety and Learning Environments**

**PUBLIC 789**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM	H-1102 STANLEY
SAXL M		H-1190 TOWNSEND
		S-657

LD 870 was carried over from the First Regular Session and proposed to increase state funding for public school construction and renovations. First, it proposed to increase the school construction debt service limit incrementally until reaching \$80,000,000 beginning in fiscal year 2002-03. Second, it proposed to provide a one-time General Fund appropriation of \$20,000,000 to the General Purpose Aid for Local Schools program to accelerate the retirement of the state share only of older school construction debt. Finally, it proposed to provide a one-time \$20,000,000 appropriation to the School Revolving Renovation Fund to allow additional school renovation projects to be funded.

**Committee Amendment "A" (S-657)** proposed to strike and replace the bill. The amendment proposed to clarify that the Legislature must make separate decisions regarding the specific amounts of General Fund appropriations that are allocated to the foundation, debt service and adjustment components of the General Purpose Aid to Local Schools account.

The amendment also proposed to increase the school construction debt service limit over the next 2 biennia to \$74,000,000 in fiscal year 2001-02 and to \$80,000,000 for fiscal year 2002-03 and fiscal year 2003-04 and further proposed to increase the school construction debt service limit to \$84,000,000 in fiscal year 2004-05.

The amendment proposed to direct the State Board of Education to study the so-called "debt service circuit breaker" and to report back to the joint standing committee of the Legislature having jurisdiction over education matters with policy recommendations by December 14, 2001.

The amendment also proposed to add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-1102)** In order to improve school safety and learning environments, this amendment proposed to allow a municipality to expend funds held in its ministerial trust for school construction or renovation if the expenditure is approved by voters of the municipality.

**House Amendment "B" to Committee Amendment "A" (H-1190)** proposed to direct the State Board of Education and the Department of Education to conduct a study and create a plan to address the needs for improved and new school facilities for those school facility projects beyond Project #22 of the school facility projects on the current major capital improvement priority list. The State Board of Education and the Department of Education plan will be presented to the 120th Legislature no later than January 15, 2001 and must include a review of the rules related to the protected status of projects in the current 2-year rating cycle, a review of the debt service limits and consideration of a "hold harmless" provision related to actions taken by local school administrative units to remediate existing Priority I health or safety issues as defined by Department of Education rules.

The amendment also proposed to appropriate an additional \$1,000,000 from the General Fund as a one-time appropriation to further capitalize the School Renovation Fund for the purpose of addressing existing health, safety and compliance deficiencies such as air quality, leaking roofs, asbestos removal, oil tank and ADA compliance that have been identified in public school facilities across the State.

#### ***Enacted law summary***

Public Law 1999, chapter 789 directs the State Board of Education and the Department of Education to conduct a study and create a plan to address the needs for improved and new school facilities for those school facility projects beyond Project #22 of the school facility projects on the current major capital improvement priority list. The State Board of Education and the Department of Education plan will be presented to the 120th Legislature no later than January 15, 2001 and must include a review of the rules related to the protected status of projects in the current 2-year rating cycle, a review of the debt service limits and consideration of a "hold harmless" provision related to actions taken by local school administrative units to remediate existing Priority I health or safety issues as defined by Department of Education rules.

The law also appropriates an additional \$1,000,000 from the General Fund as a one-time appropriation to further capitalize the School Renovation Fund for the purpose of addressing existing health, safety and compliance deficiencies in public school facilities across the State. In order to improve school safety and learning environments, the law allows a municipality to expend funds held in its ministerial trust for school construction or renovation if the expenditure is approved by voters of the municipality.

LD 933

**An Act to Permit the Submission of Citizens' Initiatives and  
Citizens' Vetoes to School Districts**

ONTP

Sponsor(s)  
GLYNN

Committee Report  
ONTP

Amendments Adopted

LD 933 was carried over from the First Regular Session and proposed a direct initiative and people's veto process for school policies and rules to be exercised by the voters of any school unit. The processes proposed are similar to those available under the Constitution of Maine for initiation and veto of legislation by the voters of the State.

LD 1261

**An Act to Require the Training of School Personnel Who  
Administer Medications**

PUBLIC 669

Sponsor(s)  
PENDLETON

Committee Report  
OTP-AM

Amendments Adopted  
S-634

LD 1261 was carried over from the First Regular Session and proposed to require unlicensed school personnel to be trained before administering medication to students in Maine's public schools and approved private schools.

**Committee Amendment "A" (S-634)** proposed to replace the bill, add a mandate preamble and accomplish the following.

1. It proposed to require the Commissioner of Education to adopt or amend rules for the administration of medication to students in public or approved private schools. These rules must follow the training model and use the training manual developed by the School Health Advisory Committee.
2. It proposed to require public or approved private schools to develop written local policies and procedures for administering medication by the start of the 2001-02 school year; local policies must include a requirement that all unlicensed personnel who administer medications receive training before they are authorized to do so.
3. It proposed to provide that these requirements be added to the standards for basic school approval. These state rules and local policies and procedures must be developed and implemented for the start of the 2001-02 school year.
4. It proposed to add a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 669 requires public and approved private schools to develop written local policies and procedures for administering medication by the start of the 2001-02 school year; local policies must include a requirement that all unlicensed personnel who administer medications receive training before they are authorized to do so. The law also adds these requirements to the standards for basic school approval; and requires the Commissioner of Education to adopt or amend rules for the administration of

medication to students in public or approved private schools based on the training model and the training manual developed by the School Health Advisory Committee.

**LD 1305**

**An Act to Establish and Fund Conflict Resolution Education  
Programs in the Public Schools**

**PUBLIC 781**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON LONGLEY	OTP-AM	H-1005 S-746 MICHAUD

LD 1305 was carried over from the First Regular Session and proposed to create a grant program within the Department of Education to encourage conflict resolution education programs in public elementary and secondary schools. Under this proposed bill, the programs may include peer mediation programs and may be directed at students and teachers, administrators and other staff.

**Committee Amendment "A" (H-317)** proposed to implement part of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. This amendment is the majority report of the committee and proposed to change the title of the bill. The amendment further proposed to direct and provide funding for the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students that emphasize conflict resolution education, peer mediation and early identification and response to signs of violence. The amendment also proposed to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools. Finally, the amendment proposed to provide funding support for the Attorney General's Civil Rights Team Project.

**Committee Amendment "B" (H-1005)**, the majority report of the committee, proposed to implement one of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The amendment proposed to direct and provide funding for the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students that emphasizes conflict resolution education, peer mediation and early identification and response to signs of violence. The amendment also proposed to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools.

The amendment also proposed to add an appropriation and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "B" (S-746)** proposed to reduce the amount appropriated for school conflict resolution programs from \$100,000 to \$50,000, and proposed to clarify that the appropriation provides one-time funds.

***Enacted law summary***

Public Law 1999, chapter 781 implements one of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The law directs the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students that emphasizes conflict resolution

education, peer mediation and early identification and response to signs of violence. The law also provides a one-time appropriation of \$50,000 to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools.

**LD 1346**

**An Act to Improve the School Administrative District and  
Community School District Budget Development and Approval  
Process**

**PUBLIC 710**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	OTP-AM    MAJ ONTP       MIN	H-1079

LD 1346 which proposed to amend the School Administrative District (SAD) budget approval process was carried over from the First Regular Session. Under current law, when the voters in a SAD that uses the alternative budget approval process fail to adopt their budget by referendum, the board of directors of the SAD can exercise an option to bring the budget to a 2nd or subsequent vote at an open meeting rather than by referendum. LD 1346 proposed that, in those situations, school budgets must be adopted by referendum. The bill also proposed that an SAD budget proposal submitted a 3rd time may not be greater than the previous school year's budget plus an increase adjusted for the Consumer Price Index. For a budget submitted more than 3 times, the budget proposal submitted to referendum must be lower than the proposal made at the previous referendum.

**Committee Amendment "A" (H-1079)** is the majority report of the committee and replaced the bill. The amendment proposed an optional new school budget cost center format and budget approval process for use by school administrative districts and community school districts. The new options replace format and approval options that are available under current law and that will no longer be available for adoption, but, if in place, may continue to be used. No district will be required to adopt either the new format or the budget approval process. However, after the effective date of this Act, if a district wishes to change the format or process it currently uses, the new options will be the only alternatives available. Both the budget format and the budget approval process may be adopted by the voters of the district at referendum. In certain circumstances, the new format may also be adopted by the local school board on its own initiative. The cost center summary budget format may be adopted separately or the new format and the approval process may be adopted together to complement each other.

The new optional budget format consists of 6 standard expenditure areas and 3 standard revenue areas, each with accompanying plain language explanations. There is also an overall summary expenditure item. The 9 cost centers and summary under the new budget format form the basis for the budget warrant articles that are submitted to district voters for approval annually. The amendment authorizes school boards to transfer up to 5% of the school budget between budget cost centers without voter approval.

The new optional budget approval process allows district voters to add a 2nd step to the process for finalization of the school budget. If the new process is adopted by voters, after initial approval of the district budget at a district budget meeting, the total budget approved must be submitted to the voters of the district for final validation at a district referendum within 3 days of the district budget meeting. If the voters reject the budget at referendum, another budget must be considered at a district budget meeting at least 10 days after the referendum. The budget adopted at the subsequent district budget meeting must then be submitted to the voters for validation in a separate referendum vote. The process is

repeated until a final budget is approved at a district budget meeting and validated at referendum.

The amendment proposed that the State Board of Education develop a model comprehensive school budget approval procedure that maximizes local collaboration among school officials, municipal officers and the public in developing and approving school budgets and encourages school administrative units to adopt the procedure as local school policy. The amendment also proposed that the state board study the new budget format and approval process and report back to the joint standing committee of the Legislature having jurisdiction over education matters by January 31, 2004. In the interim, the amendment directed the Department of Education to monitor the impact of the new law and to report annually to the committee on its effect, and the Department of Education and the State Board of Education are charged with the responsibility of developing a system to provide assistance to school administrative units wishing or attempting to implement the law.

### ***Enacted law summary***

Public Law 1999, chapter 710 establishes an optional new school budget format and budget approval process for use by school administrative districts and community school districts. The new options replace format and approval options that are available under current law and that will no longer be available for adoption, but, if in place, may continue to be used. No district will be required to adopt either the new cost center summary budget format or budget validation referendum approval process. However, after the effective date of this Act, if a district wishes to change the format or process it currently uses, the new options will be the only alternatives available. Both the budget format and the budget referendum approval process may be adopted by the voters of the district at referendum. In certain circumstances, the new format may also be adopted by the local school board on its own initiative. The cost center summary budget format may be adopted separately or the new format and the referendum approval process may be adopted together to complement each other.

The new optional budget format presents budgeted expenditures in 6 standard areas and budgeted revenues in 3 standard areas, each with accompanying plain language explanations. There is also an overall summary expenditure item and explanation. The 9 cost centers and summary under the new budget format form the basis for the budget warrant articles that are submitted to district voters for approval annually. The amendment authorizes school boards to transfer up to 5% of the school budget between budget cost centers without voter approval.

The new optional budget approval process allows district voters to add a second step to the process for finalization of the school budget. If the new process is adopted by voters, after initial approval of the district budget at a district budget meeting, the total budget approved must be submitted to the voters of the district for final validation at a district referendum within 3 days of the district budget meeting. If the voters reject the budget at referendum, another budget must be considered at a district budget meeting at least 10 days after the referendum. The budget adopted at the subsequent district budget meeting must then be submitted to the voters for validation in a separate referendum vote within 3 days of the second approval. The process is repeated until a final budget is approved at a district budget meeting and validated at referendum.

The State Board of Education is directed to develop a model comprehensive school budget approval procedure that maximizes local collaboration among school officials, municipal officers and the public in developing and approving school budgets and encourages school administrative units to adopt the procedure as local school policy. The state board is also required to study the new cost center summary budget format and budget validation referendum process and to report back to the joint standing committee

of the Legislature having jurisdiction over education matters by January 31, 2004. In the interim, the Department of Education is directed to monitor the impact of the new law and to report annually to the committee on its effect, and the Department of Education and the State Board of Education are charged with the responsibility of developing a system to provide assistance to school administrative units wishing or attempting to implement the law.

**LD 1561                      An Act to Require High School Students to Earn a Certificate of                      ONTP**  
**Mastery Before Graduating**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO MURPHY T	ONTP	

LD 1561 was carried over from the First Regular Session and proposed that, beginning in the 2005-06 school year, all students in grade level 12 must earn a certificate of mastery based on the State's learning results standards before graduating.

**LD 1725                      An Act to Allow the Towns of Wells and Ogunquit to Withdraw                      P & S 83**  
**from Their Community School District**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE WHEELER G	OTP-AM    MAJ ONTP        MIN	S-531

LD 1725 was carried over from the First Regular Session and proposed to amend the Private and Special Law establishing the Wells-Ogunquit Community School District to allow either the Town of Wells or the Town of Ogunquit to withdraw from the district.

**Committee Amendment "A" (S-531)** is the majority report of the committee and replaced the bill. The amendment proposed changing the current formula for distribution of the costs for kindergarten through grade 12 education within the Wells-Ogunquit Community School District. As currently provided by law, the educational costs of the school district are apportioned between the 2 towns based entirely on relative property valuation. The amendment proposed a phased-in change beginning in fiscal year 2000-01 that will result after 3 years in a sharing of costs based 2/3 on property valuation and 1/3 on student population of the towns. After fiscal year 2002-03, the costs will continue to be shared 2/3 based on property valuation and 1/3 on student population unless each town approves an alternative sharing arrangement by majority vote.

***Enacted law summary***

Private and Special Law 1999, chapter 83 changes the current formula for distribution of the costs for kindergarten through grade 12 education within the Wells-Ogunquit Community School District. As currently provided by law, the educational costs of that school district are apportioned between the 2 towns based entirely on relative property valuation. The amendment provides for a phased-in change beginning in fiscal year 2000-01 that will result after 3 years in a sharing of costs based 2/3 on relative property

valuation and 1/3 on relative student population of the towns. After fiscal year 2002-03, the costs will continue to be shared 2/3 based on property valuation and 1/3 based on student population unless each town approves an alternative sharing arrangement by majority vote.

**LD 1799**

**An Act Regarding the School Funding Formula**

**ONTP**

Sponsor(s)  
BRENNAN

Committee Report  
ONTP

Amendments Adopted

LD 1799 was carried over from and proposed to ensure that pupil equity and taxpayer equity would be achieved through the school funding formula. This bill proposed the following.

1. It would have clarified that the statutory provisions requiring the state share of school construction debt service costs must be supported by General Fund appropriations by:
  - A. Indicating that the Legislature shall annually report the aggregate amount of the state share of the allocation for debt service costs as a separate line item and program account in the budget bill submitted to the Legislature for consideration; and
  - B. Indicating that the Legislature shall annually appropriate an amount to capitalize the state share of debt service costs that is separate from the appropriation for general purpose aid for local schools.
2. It would have suspended the annual updating of the income weight in the School Finance Act of 1995 by establishing that the income weight used in fiscal year 1997-98 must be used beginning in fiscal year 1999-00 and must remain fixed at the level of the median household income data reported in the United States Census data. Fiscal year 1997-98 median household income data must be used for the statewide component and for the local municipality component of income weighting for each fiscal year until fiscal year 2001-02 when the department would use the median household income data reported in the United States Census for 2000 report for each fiscal year until fiscal year 2011-12 when the data for the United States Census for 2010 must be used.
3. It would have replaced the so-called "cost-of-living adjustment" in the School Finance Act of 1995 with a regionalized cost-adjustment model that is based on a public education price index. The cost-adjustment model must be updated every three years. The Department of Education would have developed a regional education cost-adjustment model based on a public education price index and this new regionalized cost-adjustment model would replace the National Chamber of Commerce model beginning in fiscal year 2000-01.
4. It would have provided a \$25,000 General Fund appropriation to the Department of Education to develop a regional education cost-adjustment model based on a public education price index.
5. It would have provided a \$29,493,680 General Fund appropriation to the Department of Education to fully fund actual local program costs in the school funding formula.



<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	ONTP	

LD 1964 was carried over from the First Regular Session. The bill proposed to establish the Charter School Authority to oversee the establishment, location and funding of charter schools throughout the State; to adopt a comprehensive charter school plan; to provide technical assistance for groups wishing to start a charter school; and to allocate funds for the creation of charter schools consistent with the plan. See LD 2027.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS AMERO	OTP-AM	H-1020

LD 2027 was carried over from the First Regular Session. The bill proposed that local school boards, the Department of Education and Maine post secondary institutions be authorized to approve the establishment of charter schools to be a part of the State's system of public education and to oversee operation of those charter schools. Charter schools may consist of existing public schools or school units, new schools or existing nonprofit, nonsectarian schools that convert to charter status.

As proposed in the bill, charter schools must be open to all students equally, though they may specialize in serving a particular age group, a specific geographic area or a student population with specific needs. A charter school may require a demonstration of interest from students if it offers a specific curriculum or teaching methodology. Charter schools may not be affiliated with religious institutions and must be nonsectarian in their programs, practices and policies. Charter school staff include teachers holding teaching certificates. Teachers in charter schools may be employees of the charter school and have the right to organize and bargain collectively in a separate unit; or teachers may choose to operate the charter school themselves, as partners or members of a cooperative.

Under the bill, funding for charter schools is paid directly by the State in an amount equal to the average amount per pupil spent statewide. Approved special education costs incurred beyond that amount must be paid by the student's resident school administrative unit.

**Committee Amendment "A" (H-1020)** replaced the bill and proposed several changes in current law to encourage public school alternative education programs. The Commissioner of Education must require public school alliances to set consistent standards for regional public school choice programs. The amendment proposed that shared service agreements between schools may include alternative education programs and establishes alternative education as a component of secondary technical education programs. The amendment also proposed that the commissioner take steps to encourage school-based management decision making. Finally, the amendment proposed the establishment of a stakeholders group chosen by the commissioner to study the possibility of the State applying for grant funds under the federal charter schools legislation. The amendment also proposed adding a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 683 makes several changes in current law to encourage public school alternative education programs. The Commissioner of Education is directed to require public school alliances to set consistent standards for regional public school choice programs. Shared service agreements between schools are encouraged to include alternative education programs and alternative education is established in law as a component of secondary technical education programs. The commissioner is also directed to take steps to encourage school-based management decision-making. Finally, chapter 683 establishes a stakeholders group chosen by the commissioner to study the feasibility of the State applying for grant funds under the federal charter schools legislation.

**LD 2054****An Act to Extend New Teachers' Probationary Periods****DIED IN  
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM    MAJ ONTP       MIN	

LD 2054 was carried over from the First Regular Session and would have provided that a probationary period may not exceed 2 years for a person who has been employed as a teacher for more than 3 years or 3 years for a person who has been employed as a teacher for 3 or fewer years.

**LD 2260****An Act to Provide Degree-granting Authority to the SALT Institute  
for Documentary Field Studies****P & S 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE SAXL M	OTP-AM	S-476

LD 2260 proposed authorizing the SALT Center for Documentary Field Studies in Portland to grant degrees.

**Committee Amendment "A" (S-476)** proposed to correct the name of the SALT Institute for Documentary Field Studies in the bill.

***Enacted law summary***

Private and Special Law 1999, chapter 64 grants degree-granting authority to the SALT Institute for Documentary Field Studies in Portland.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE	OTP-AM	H-825

LD 2291 proposed adding representatives of the Maine Humanities Council, the Maine Historical Society and the Archives Advisory Board to the membership of the Maine State Cultural Affairs Council.

**Committee Amendment "A" (H-825)** proposed to create the New Century Program Fund to be used to implement the Maine Communities in the New Century Program established last year for the purpose enhancing preservation of local cultural resources and proposed to designate the Maine State Cultural Affairs Council as the entity responsible for administering the fund on behalf of all state cultural agencies. The amendment also proposed adding a fiscal note, an allocation section, an emergency preamble and an emergency clause to the bill.

#### *Enacted law summary*

Public Law 1999, chapter 573 adds representatives of the Maine Humanities Council, the Maine Historical Society and the Archives Advisory Board to the membership of the Maine State Cultural Affairs Council. The law also creates the New Century Program Fund to be used to implement the Maine Communities in the New Century Program established last year to enhance preservation of local cultural resources. Finally, chapter 573 designates the Maine State Cultural Affairs Council as the entity responsible for administering the fund on behalf of all state cultural agencies.

Public Law 1999, chapter 573 was enacted as an emergency measure effective March 22, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT GAGNON	ONTP	

LD 2299 is a concept draft pursuant to Joint Rule 208 that proposed to establish minimum air quality standards for schools. The bill was reported ONTP, and the committee sent a letter to the Maine Indoor Air Quality Council requesting that Sen. Daggett and Rep. Watson be added to its membership and that the council study and report to the Education Committee by December, 31, 2000 on whether specific air quality standards should be implemented in schools.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE	OTP-AM      MAJ ONTP        MIN	S-610

LD 2301 proposed to create a new certificate authorizing a person to teach in an area determined to be a "teacher shortage area," which the Department of Education would issue only when certain criteria are met and special circumstances exist.

**Committee Amendment "A " (S-610)** is the majority committee report on the bill. The amendment proposed to designate the rules to be developed by the State Board of Education as "major substantive" rules.

The amendment also proposed to add a fiscal note.

#### ***Enacted law summary***

Public Law 1999, chapter 673 creates a new certificate authorizing a person to teach in an area determined to be a "teacher shortage area," which the Department of Education would issue only when certain criteria are met and special circumstances exist. The law also directs the State Board of Education to develop rules to implement this new certificate and designates these rules as "major substantive" rules subject to legislative review.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER BERUBE	ONTP	

LD 2304 proposed that the Department of Education contract with an independent entity to conduct an audit of the Child Development Services System and to assess its compliance with existing laws and rules. The committee did not accept the idea of an audit and the resolve was reported ONTP; but, pursuant to Joint Order, the committee reported out LD 2636 that proposed statutory changes in the process for hiring regional site therapists. See LD 2636.

**An Act to Authorize School Administrative Units to Utilize  
Alternative Delivery Methods for a Limited Range and Number of  
School Construction Projects, Including the use of an Owner's  
Representative for Certain School Construction Projects**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	H-1036 CAMERON S-623

LD 2311 proposed to clarify that the school construction method set out in the Maine Revised Statutes, Title 5, section 1743-A and Title 20-A, chapter 609 is the traditional, competitive “design-bid-build” method. It further proposed to provide for a 5-year pilot program for the use of design-build and construction-manager-at-risk methods. Generally, during the pilot program, all projects with total costs less than \$2,500,000 would be allowed to use either a design-build or construction-manager-at-risk method. Two projects in a school administrative unit that do not exceed \$10,000,000 in total cost would be allowed to use design-build methods, and 2 projects in a school administrative district that do not exceed \$10,000,000 or more in total costs would be allowed to use construction-manager-at-risk methods. All other school construction projects with total costs of \$10,000,000 or more would be required to employ a project manager.

**Committee Amendment "A" (S-623)** proposed to replace the bill and change the title of the bill. The amendment proposed to accomplish the following.

1. It proposed to add a mandate preamble to the bill.
2. It proposed to clarify that the school construction method set out in the Maine Revised Statutes, Title 5, section 1743-A and Title 20-A, chapter 609 is the traditional, competitive “design-bid-build” method.
3. It proposed to provide for a 5-year pilot program for use of design-build, construction-manager-advisor and construction-manager-at-risk methods and proposed to allow the use of an owner's representative for certain school construction projects.
4. It proposed to provide that, during the pilot program, 3 design-build and 3 construction-manager-advisor or construction-manager-at-risk projects with total costs less than \$2,500,000 would be allowed to use design-build, construction-manager-advisor or construction-manager-at-risk methods. Two projects in school administrative units that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 in total cost would be allowed to use the design-build method, and 2 projects in school administrative units that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 in total costs would be allowed to use the construction-manager-advisor or the construction-manager-at-risk method.
5. It proposed to provide during the 5-year pilot program period, that all other approved design-bid-build school construction projects with total costs of \$10,000,000 or more would be required to employ an owner's representative; and
6. It proposed to allow the Department of Education, in accordance to the provisions of the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A, to file the substantive rule for Chapter 64:

Maine School Facilities Finance Program and School Revolving Renovation Fund, as amended by Resolve 1999, chapter 14 (April 16, 1999) during the First Regular Session of the 119th Legislature.

The amendment also proposed to add a mandate preamble and fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-1036)** is being presented on behalf of the Committee on Bills in the Second Reading and proposed to correct section 1 of the amendment to accurately reflect existing law regarding final adoption of a provisionally-adopted, major-substantive rule.

***Enacted law summary***

Private and Special Law 1999, chapter 79 provides for a 5-year pilot program for use of design-build, construction-manager-advisor and construction-manager-at-risk methods and requires the use of an owner's representative for school construction projects with total costs of \$10,000,000 or more during the 5-year pilot program period. The law also allows the Department of Education to file for the final adoption of the major substantive rule for Chapter 64: Maine School Facilities Finance Program and School Revolving Renovation Fund, as amended by Resolve 1999, chapter 14 during the First Regular Session of the 119th Legislature.

**LD 2320**

**An Act to Increase the Bonding Limit of the Trustees of the City of  
Brewer High School District from \$2,500,000 to \$5,000,000**

**P & S 65  
EMERGENCY**

Sponsor(s)  
FISHER  
RUHLIN

Committee Report  
OTP

Amendments Adopted

LD 2320 increases the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000 subject to approval at referendum by the voters of the City of Brewer.

***Enacted law summary***

Private and Special Law 1999, chapter 65 increases the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000 subject to approval at referendum by the voters of the City of Brewer.

Private and Special Law 1999, Chapter 65 was enacted as an emergency measure effective March 14, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM    MAJ ONTP       MIN	

LD 2326 proposed to authorize Portland College to grant degrees.

**Committee Amendment "A" (H-1078)** is the majority report of the committee and proposed to clarify the degrees that may be granted by Portland College. The amendment also proposed that the State Board of Education review the start-up operations of Portland College and issue an interim report to the joint standing committee of the Legislature having jurisdiction over education matters by January 1, 2002 and a final report by January 1, 2003. The amendment also proposed adding a fiscal note to the bill.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM	H-1097 S-794   MICHAUD

LD 2327, a resolve, proposed to establish the Commission to Study Teacher Recruitment and Retention.

**Committee Amendment "A" (H-1097)** proposed to make the following changes to the resolve:

1. It proposed to change the title of the resolve to align with the additional duties of addressing administrator shortages in the State;
2. It proposed to increase the commission membership total to 14 members by adding 5 new members;
3. It proposed to clarify the convening process for the commission and the appointment process for the commission chair;
4. It proposed to add 3 new duties to the commission charge, including the duty of addressing administrator shortages in the State and the duty of studying financial incentives for the recruitment and retention of teachers;
5. It proposed to allow the commission to request that consulting services be provided to provide staffing assistance and research services for this commission;
6. It proposed to clarify that the commission shall submit its report, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First Regular Session of the 120th Legislature; and
7. It proposed to add an appropriation section and a fiscal note to the resolve.

**Senate Amendment "A" to Committee Amendment "A" (S-794)** proposed to add an emergency preamble and an emergency clause; proposed to require the Commissioner of Education to convene the first meeting of the commission; proposed to require the Department of Education to provide staffing assistance; proposed to change the date by which the commission must make its report to December 1, 2000; and proposed to decrease the appropriation to \$30,000 by requiring the commission members to serve without compensation.

***Enacted law summary***

Resolve 1999, chapter 130 establishes the Commission to Study Kindergarten-to-grade 12 Educator Recruitment and Retention. The commission shall study the supply of teachers and administrators in the State, including the causes of and the reasons cited for educator shortages, the types and numbers of educators that Maine schools will need to hire during the next decade and the conditions, practices and types of financial incentives that may lead to the recruitment and retention of educators. The law requires the Commissioner of Education to convene the first meeting of the commission and requires the Department of Education to provide staffing assistance and research services for the commission. The commission shall submit its report and any necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First Regular Session of the 120th Legislature no later than December 1, 2000. The law also provides a \$30,000 appropriation to the State Board of Education to complete school funding research related to the essential programs and services model of school funding.

Resolves 1999, chapter 130 was finally passed as an emergency measure effective May 10, 2000.

**LD 2345**

**Resolve, to Enhance the Availability of Neuropsychological Assessment to Maine's Children**

**ONTP**

Sponsor(s)  
KANE

Committee Report  
ONTP

Amendments Adopted

LD 2345, proposed that the Department of Education adopt rules allowing and prescribing the use of neuropsychological technicians in the administration and scoring of neuropsychological tests of school children and collaborate with the State Board of Examiners of Psychologists to create a licensure category for neuropsychological technicians. The committee reported the bill out ONTP. By letter the committee requested that the Commissioner of Professional and Business Regulation conduct an independent assessment of the need to regulate neuropsychological technicians under the Sunrise Law. Until July 1, 2001, the Department of Education agreed to permit psychologists to employ neuropsychological technicians to administer and score neurological assessments and to amend the State Plan for special education services under the IDEA to all that to happen.



**LD 2366****An Act to Create Equity in Access to Secondary Education****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY PIEH	ONTP	

LD 2366 proposed to establish and fund a grant program for those island families that must send their children to boarding school as they have no regular transportation or ferry service.

**LD 2387****An Act to Amend the Qualifying Examination for Initial Teacher Certification****PUBLIC 569**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE	OTP	

LD 2387 proposed to replace the core battery of the national teachers exam with a different basic skills test. An individual would need to pass this test in order to become fully certified as a teacher in Maine.

***Enacted law summary***

Public Law 1999, chapter 569 replaces the core battery of the national teachers exam with a different basic skills test. The law provides that an individual needs to pass this test in order to become fully certified as a teacher in Maine.

**LD 2393****An Act to Appropriate Funding for the Maine School of Science and Mathematics for Fiscal Year 1999-00****P & S 100  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL PARADIS	OTP-AM	H-1180 TOWNSEND

LD 2393 was referred to the Appropriations and Financial Affairs Committee and proposed to appropriate \$160,000 for Fiscal Year 2000-01 to the Maine School of Science and Mathematics.

**House Amendment "A" (H-1180)** proposed to add an emergency preamble and emergency clause and proposed to change the General Fund appropriation request to fiscal year 1999-00 in order to provide \$171,000 on a one-time basis to be applied toward a principal payment remaining on a \$3,000,000 dormitory at the Maine School of Science and Mathematics.

**Enacted law summary**

Private and Special Law 1999, chapter 100 appropriates \$171,000 on a one-time basis to be applied toward a principal payment remaining on a \$3,000,000 dormitory at the Maine School of Science and Mathematics.

Private and Special Law 1999, chapter 100 was enacted as an emergency measure effective May 18, 2000.

**LD 2398**                      **An Act to Expand Educational Opportunities for Elderly Persons**                      **DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP	

LD 2398 proposed to provide a General Fund appropriation of \$150,000 in fiscal year 2000-01 to the University of Maine System for the operations of the Senior College. While this bill died on adjournment, the funding proposed in the bill was included in the supplemental appropriations bill in fiscal year 2000-01 (see Public Law 1999, chapter 731, part A, section A-1).

**LD 2401**                      **An Act to Amend the Laws Regarding the Change of a Cost-sharing  
Formula in a School Administrative District**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE MACKINNON	ONTP	

LD 2401 proposed that a cost-sharing formula for a school administrative district may be changed only if the change is approved by a majority of those voting in each of the municipalities in a school administrative district referendum. Current law provides that such a change may occur if approved by a majority vote of the district. The committee requested the State Board of Education to conduct a study of the process for changing SAD and CSD cost sharing formulas and to report back to the committee later this year.

**LD 2414**                      **An Act to Support and Expand the Maine Writing Project**                      **P & S 78**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN CATHCART	OTP-AM	H-859

LD 2414 was referred to the Appropriations and Financial Affairs Committee and proposed to provide funds to support and expand the Maine Writing Project. The Maine Writing Project follows the National Writing Project model of collaborative university and school programs, the goals of which are to improve

student achievement in learning and writing, which is a major feature of the Maine Learning Results and the Maine Educational Assessment.

**Committee Amendment "A" (H-859)** proposed to decrease the amount appropriated to the Maine Writing Project from \$10,000 to \$5,000 and further proposed to require that the money appropriated must be supplemented by funds provided by the University of Maine System of \$4,500 in fiscal year 2000-01 in the form of scholarships for teachers in the Maine Writing Project.

The amendment also proposed to add a General Fund deappropriation of \$5,000 in fiscal year 2000-01 from the Professional Development program within the Department of Education and to add a fiscal note to the bill.

#### ***Enacted law summary***

Private and Special Law 1999, chapter 78 decreases the amount appropriated to the Maine Writing Project from \$10,000 to \$5,000 and further requires that the money appropriated must be supplemented by funds provided by the University of Maine System of \$4,500 in fiscal year 2000-01 in the form of scholarships for teachers in the Maine Writing Project. The law also deappropriates \$5,000 in General Funds in fiscal year 2000-01 from the Professional Development program within the Department of Education.

**LD 2425**

**An Act to Amend a Formula to Allocate Child Development Funds**

**ONTP**

Sponsor(s)  
SULLIVAN

Committee Report  
ONTP

Amendments Adopted

LD 2425 proposed to prohibit the Department of Education from adopting rules that decrease the amount of funding allocated to a Child Development Services Regional Site from the previous fiscal year. The prohibition on funding decreases would be retroactive to the effective date of Public Law 1999, chapter 296 that required the development of a funding formula for CDS sites and adoption of rules to implement the formula. The bill also proposed appropriating \$300,000 to Child Development Services System regional sites in York County to cover a shortfall in funding from the previous fiscal year.

**LD 2429**

**An Act to Address the Teacher Shortage in Maine**

**ONTP**

Sponsor(s)  
LAVERDIERE

Committee Report  
ONTP

Amendments Adopted

LD 2429 proposed to establish the Teachers for Critical and Qualifying Areas Program to provide for the repayment of student loans to teachers who are hired in schools that are faced with a shortage of teachers in certain academic areas. Once the Commissioner of Education makes the determination that a school is a critical area school or qualifying area school, a teacher hired by that school to work in the underserved academic area would have been eligible for repayment of student loans incurred for postsecondary education. A teacher working in a critical area school who works for 4 years in the school would have been

eligible to have 100% of the education loans repaid; a teacher who works in a qualifying area school for 4 years would have been eligible to have 50% of the education loans repaid.

**LD 2440**

**Resolve, to Equalize State Funding of Higher Education Programs  
within the University of Maine System**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS LAWRENCE	ONTP	

LD 2440 proposed to require the University of Maine System to annually fund the School of Law at a rate comparable to the funding provided to other schools within the University of Maine System and proposed to provide funds for that purpose. Under current practice, the University of Maine School of Law is self-supported; that is, other than funding for the library, the cost of running the law school is paid through tuition. The School of Law is the only school within the University of Maine System where this is the case. While the “ought not pass” committee report on this bill was accepted, the supplemental appropriations bill included a provision requiring, by June 30, 2006, the University of Maine System to annually fund the School of Law at a rate comparable to the funding provided to other schools within the University of Maine (see Public Law 1999, chapter 731, part LLL, section LLL-1).

**LD 2467**

**An Act to Generate Economic Development Through Community  
Service and Education**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE LAWRENCE	OTP-AM	

LD 2467 proposed to provide a one-time appropriation of \$8,400,000 to the University of Maine System for technology and facility upgrades at university centers. The funds would have been used to increase student capacity at centers in economically disadvantaged communities across the State.

While this bill was indefinitely postponed, the supplemental appropriations bill included one-time funds in fiscal year 2000-01 for technology and facility upgrades as follows: \$9,000,000 for Aubert Hall at the University of Maine, \$3,500,000 for Lewiston-Auburn College, \$2,000,000 for the university center in Houlton, \$1,000,000 for the Northern Aroostook Technical Center, \$1,500,000 for University College of Bangor, and \$250,000 for the university center in Calais (see Public Law 1999, chapter 731, part A, section A-1). The supplemental appropriations bill also included \$1,300,000 in fiscal year 2000-01 to establish the Maine Technical College System’s Penquis facility, an education and training center in Dover-Foxcroft (see Public Law 1999, chapter 731, part A, section A-1).

**LD 2469****An Act to Revitalize Teacher Certification****INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE DOUGLASS	OTP-AM	

LD 2469 proposed to restore structure, money and focus to local teacher certification support teams. The bill also proposed to require increased staffing for the Department of Education's certification office.

**LD 2485****An Act to Promote Educational Opportunity and Economic Development****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	ONTP	

LD 2485 proposed to establish the Business Information Technology program, the "BIT program," to provide financial assistance and incentives to postsecondary students in information technology education programs. The BIT program proposed to provide loans to information technology students, which would have been repaid by one year of service in a Maine information technology business for each year a person receives a BIT loan. The BIT program would have been administered by the Business Information Technology Board.

**LD 2490****An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees****PUBLIC 791  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B MENDROS	OTP-AM MAJ OTP-AM MIN	S-474 S-801 MURRAY

LD 2490 proposed to require the State to pay the costs of the fingerprinting and background checks. This bill also proposed to require the reimbursement of those employees or schools that have paid for the fingerprinting and background checks.

Under current law, beginning September 1, 1999, a person seeking new employment in an elementary or secondary school is required to undergo fingerprinting and criminal background checks; beginning July 1, 2000, all elementary or secondary school employees must undergo fingerprinting and criminal history record checks. The employee is required to pay the costs associated with the fingerprinting and background checks.

**Committee Amendment "A" (S-474)** is the majority report of the committee. The amendment proposed to provide that the State would have paid for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval to continue in that person's position. Under this amendment, the State would have paid for the initial \$49 cost for fingerprinting and conducting the state

and federal criminal history record checks, as well as the recurring \$24 fee to the Federal Bureau of Investigation for the criminal history record check.

The amendment further proposed to provide a 5-year phase-in period for the 13,500 other individuals in the approval category to permit compliance in the remaining timeframe. The amendment also proposed to postpone fingerprinting for contracted services providers until the 2001-02 school year to allow the Department of Education to collect data on the number of contracted services providers who are employed by school administrative units in the State.

The amendment also proposed to specify that the State would have provided reimbursement for any contracted services provider who has already paid for the fingerprinting and criminal history record check. The amendment proposed to add an emergency preamble and emergency clause to the bill. Finally, the amendment proposed to add appropriation and allocation sections and a fiscal note to the bill and proposed to appropriate funds to pay for the expenses of the criminal history record checks for the 1999-2001 biennium.

**Committee Amendment "B" (S-475)** is the minority report of the committee. The amendment proposed to provide that the State would have paid for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval. Under this amendment, the State would have been required to pay for the initial \$49 cost for fingerprinting and conducting the state and federal criminal history record checks, as well as the recurring \$24 fee to the Federal Bureau of Investigation for the criminal history record check.

The amendment also proposed to provide that all persons who begin work in a public school after July 1, 2000 must pay for the expense of obtaining the information required to meet the provisions of the criminal history record check law. Finally, the amendment proposed to change the title of the bill, add an appropriation section that appropriates funds to pay for the expenses of the criminal history record checks for the 1999-2000 and 2000-2001 biennium and add a fiscal note to the bill. This amendment was not adopted.

**Senate Amendment "D" to Committee Amendment "A" (S-801)** This amendment to Committee Amendment "A" proposed to provide a 5-year phase in for those school personnel who are in the approval category to permit compliance in the remaining timeframe. The amendment also proposed to postpone fingerprinting for substitutes and contracted services providers until the 2001-2002 school year to allow the Department of Education to collect data on the number of affected individuals.

The amendment also proposed to specify that the State will provide reimbursement for any person, organization, school administrative unit or school who has already paid for the fingerprinting and criminal history record check. The amendment further proposed to require that the State Bureau of Identification may not use the fingerprints of educational personnel for any other purpose than employment screening as provided in the Maine Revised Statutes, Title 20-A, section 6103.

This amendment proposed to provide that national criminal history record checks for educational personnel need to be conducted only once unless a person has not been continuously employed in a position requiring certification, authorization or approval under the Maine Revised Statutes, Title 20-A, chapters 501 and 502. A person who has a break in employment service, other than school vacations, would be required to submit to a national criminal history record check at the time of the renewal of the certification,

authorization or approval. Nothing in this amendment proposed to preclude an individual from requesting a state criminal history record check for educational personnel at any time.

Finally, the amendment proposed to add an appropriation section to the bill and appropriate funds to pay for the expenses of the criminal history record check for fiscal years 1999-00 and 2000-01.

Please also see LD 2540 regarding fingerprinting and criminal history record checks for educational personnel.

### ***Enacted law summary***

Public Law 1999, chapter 791 provides that the State shall pay for the criminal history record check required for any person regularly employed in a public school during the 1999-2000 school year who requires Department of Education certification, authorization or approval to continue in that person's position. The law specifies that national criminal history record checks for educational personnel need to be conducted only once unless a person has not been continuously employed in a position requiring certification, authorization or approval. A person who has a break in employment service, other than school vacations, must submit to a national criminal history record check at the time of the renewal of the certification, authorization or approval.

The law further provides a 5-year phase-in period for those school personnel who are in the approval category to permit compliance in the remaining timeframe; and also postpones fingerprinting for substitutes and contracted services providers until the 2001-02 school year to allow the Department of Education to collect data on the number of affected individuals who are employed by school administrative units in the State.

The law also specifies that the State will provide reimbursement for any person, organization, school administrative unit or school who has already paid for the fingerprinting and criminal history record check. The law further requires that the State Bureau of Identification may not use the fingerprints of educational personnel for any other purpose than employment screening as provided in the Maine Revised Statutes, Title 20-A, section 6103.

Public Law 1999, chapter 791 was enacted as an emergency measure effective May 18, 2000.

**LD 2492**

**An Act to Ensure Adequate Funding of Adult Education**

**P & S 96  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND MICHAUD	OTP-AM	H-848 S-756 MICHAUD

LD 2492 was referred to the Appropriations and Financial Affairs Committee and proposed to appropriate funds to the Department of Education to increase the state subsidy for adult education programs.

**Committee Amendment "A" (H-848)** proposed to strike the appropriation section of the bill and replace it with a new appropriation section and an allocation section. The new proposed sections would organize

"Adult Education" into a separate program within the Department of Education and would provide a 3% increase in the fiscal year 1999-00 and fiscal year 2000-01. It also proposed to add a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-756)** proposed to eliminate the appropriations and allocations in fiscal year 2000-01.

While this bill as amended by Senate Amendment "A" to Committee Amendment "A" was enacted into law, the supplemental appropriations bill included \$163,939 in fiscal year 2000-01 for adult education (see Public Law 1999, chapter 731, part A, section A-1).

***Enacted law summary***

Private and Special Law 1999, chapter 96 organizes "Adult Education" into a separate program within the Department of Education and provides \$78,855, or a 3% increase, in fiscal year 1999-00.

Private and Special Law 1999, chapter 96 was enacted as an emergency measure on May 10, 2000.

**LD 2500                      An Act to Increase the Marketable Skills of University of                      ONTP**  
**Maine System Students**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	ONTP    MAJ	
ROWE	OTP     MIN	

LD 2500 was referred to the Appropriations and Financial Affairs Committee and proposed to provide a one-time General Fund appropriation of \$7,000,000 and proposed to add \$3,000,000 to the University of Maine System's base budget to increase resources for technology for students and to invest in MaineUnet, Mariner and electronic resource expansion.

**LD 2515                      An Act to Provide Equal Access to Meeting the Needs of Students                      ONTP**  
**at Public Institutions of Higher Education**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	ONTP	
MURPHY T		

LD 2515 proposed to require public postsecondary institutions other than the Maine Maritime Academy to provide to private bookstores the same information and services that the postsecondary institution provides to campus bookstores operated by or on behalf of the institution.



<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE ROWE	OTP	S-769 MICHAUD

LD 2519 proposed to increase access to the Maine Technical College System. The first part of the bill proposed to provide funding to add 250 additional students systemwide beginning in the fall of 2000.

The 2nd part of the bill proposed to address the Maine Technical College System's need to provide students with the ability to take courses and do research over the Internet. The bill proposed to provide funding to migrate to Asynchronous Transfer Mode, or ATM, delivery that will provide greater speed and access by students to the Internet. In addition, this bill proposed to provide funding to develop curriculum in all areas of study for courses to be taught via web-based delivery, as well as the training of faculty in the use of web-based delivery.

**Senate Amendment "A" (S-769)** proposed to strike the appropriation section of the resolve. While Senate Amendment "A" was accepted, the supplemental appropriations bill included \$2,000,000 in one-time funds in fiscal year 2000-01 for technology improvements and operational support and further provided \$900,000 in fiscal year 2000-01 for operational support and increased access for students (see Public Law 1999, chapter 731, part A, section A-1).

#### *Enacted law summary*

Resolve 1999, chapter 128 provides that the Maine Technical College System shall attempt to increase its system-wide enrollment to 10,000 students during the two biennia by authorizing the technical colleges to attempt to enroll 1,000 newly matriculated students system-wide over the next four years. The resolve also states that the Legislature intends to appropriate and allocate the funds necessary to reach these enrollment targets.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP	

LD 2538 proposed to require the Department of Education and every school administrative unit in the State to provide professional development to the unit's administrators, teachers and educational technicians and to develop a professional development plan. This bill also proposed that the department summarize the performance of these plans and report this summary to the Legislature every 2 years and to award grants to school administrative units that need to bring their plans to standards or that have special professional development needs. Finally, the bill proposed to appropriate funds to implement the bill.

**LD 2539****Resolve, to Make Community College Partnership Programs More Accessible and Affordable****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE ROWE	ONTP	

LD 2539, a resolve, was referred to the Appropriations and Financial Affairs Committee and proposed to establish endowments for scholarships at the University of Maine System and Maine Technical College System. The interest from these proposed endowments would have been dedicated to scholarships for students who were enrolled in courses offered under the community college partnership and who demonstrated the requisite need for financial assistance.

**LD 2540****An Act Concerning Fingerprinting and Background Checks for School Employees****VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE	OTP-AM A	S-692
BRENNAN	OTP-AM B	S-735 MURRAY
	OTP-AM C	

LD 2540 is a concept draft pursuant to Joint Rule 208. It proposed to affect current law that requires teachers and other school employees in public schools or approved private schools to undergo fingerprinting and state and national criminal history record checks.

**Committee Amendment "A" (S-691)** is the majority report of the committee.

1. It proposed to provide payment of the full \$49 cost for all employees of public schools and approved private schools, and for all substitutes, but not subsequent costs such as the cost of obtaining court documents if required.
2. It proposed to postpone the fingerprinting requirement for certified individuals not employed in a school until they become so employed.
3. It proposed to provide a 2-year delay for contracted service providers, to allow data collection on the number of providers and to permit compliance in the remaining time frame for all employed personnel.
4. It proposed to provide a 6-month delay for substitutes to permit compliance for regular employees in the remaining time frame. It proposed to provide a 5-year phase-in for the 13,400 other individuals in the approval category to permit compliance in the remaining time frame. Since the Department of Education has not had to maintain accurate records of the number of individuals in the approval category in the past, numbers were inaccurate and there is insufficient time to complete all fingerprinting and record checks without a phase-in. This permits more stability in the number of individuals to be reviewed and processed in each year in the future.
5. It proposed to clarify that individuals employed in private schools approved for tuition purposes and for whom certification and authorization is not required prior to their being hired or placed under

contract are not subject to fingerprinting and record checks unless that school enrolls 60% or more publicly funded students.

6. It proposed to establish the procedures and grounds for denial, revocation, suspension or reinstatement of certification, authorization or approval of educational personnel and proposed to expand the authority of the Commissioner of Education to deny, revoke, suspend or reinstate the authorization or approval of educational personnel who are subject to the authorization and approval requirements under Title 20-A, chapters 501 and 502.
7. It proposed to require the Commissioner of Public Safety to reimburse those persons, schools or school districts who, between September 1, 1999 and the effective date of this Act, paid for fingerprinting and criminal history record checks.
8. It proposed to add an appropriation section, an allocation section and a fiscal note.

**Committee Amendment "B" (S-692)** is one of 2 minority reports. The amendment proposed to do the following.

1. It proposed to define relevant terms.
2. It proposed to clarify that the provisions of the Maine Revised Statutes, Title 20-A, chapter 211, subchapter III regarding criminal history record checks do not apply to a person who has already obtained certification or authorization under Title 20-A, chapter 501 or 502, unless and until that person is seeking employment with another school administrative unit or private school in this State.
3. It proposed to clarify that the criminal history record check provisions apply to initial applicants for any educational personnel position who hold an educational credential from another state and who are seeking employment with a school administrative unit in this State.
4. It proposed to allow the Department of Education to treat a person whose credential or approval has lapsed for more than 2 years beyond the renewal date as an initial applicant for the purposes of the criminal history record check provisions.
5. It proposed to designate the Department of Public Safety as the authorized agency for the purpose of reporting, receiving and disseminating state and federal criminal history records through the national criminal history background check system. A superintendent may request through the Department of Education that the Department of Public Safety obtain a criminal history record check from the Federal Bureau of Investigation.
6. It proposed to direct the Department of Education to obtain criminal history record information containing a record of conviction data from the Maine Criminal Justice Information System for an applicant. Upon the request of a superintendent, the Department of Education would have provided conviction data to the superintendent.
7. It proposed to direct the Department of Education to request that the Department of Public Safety obtain a criminal history record check from the Federal Bureau of Investigation. The Department of Public Safety would have obtained the criminal history record check from the Federal Bureau of Investigation and would have provided the state and federal criminal history records to the Department of Education. Upon the request of a superintendent, the Department of Education would have reviewed

the state and federal criminal history records and would have communicated its determination concerning the approval or disapproval of the applicant to the superintendent.

8. It proposed to require the State to reimburse individuals or schools who had paid for fingerprinting and criminal history record checks from September 1, 1999 to August 1, 2000.
9. It proposed to establish the procedures and grounds for denial, revocation, suspension or nonrenewal of certification, authorization or approval of educational personnel. It proposed to expand the authority of the Commissioner of Education to deny, revoke, suspend or not renew the authorization or approval of educational personnel who are subject to the authorization and approval requirements under Title 20-A, chapters 501 and 502.
10. It proposed to require that fingerprints taken from educational personnel who would have been grandfathered by this Act must be removed from the files of the bureau.
11. It proposed to add an effective date of August 1, 2000 for the new criminal history record check process.
12. It proposed to make cross-reference corrections.
13. It proposed to add an appropriation section, an allocation section and a fiscal note.

**Committee Amendment "C" (S-693)** is one of 2 minority reports of the Joint Standing Committee on Education and Cultural Affairs. This amendment proposed to repeal the requirement that school employees be subjected to criminal history records checks as part of their initial application or renewal application to be certified, authorized or approved by the Department of Education. It further proposed to repeal all references to criminal history records checks in the Maine Revised Statutes, Title 20-A, including the approval category established for the purpose of conducting criminal history records checks for educational personnel not subject to certification and authorization requirements under chapters 501 and 502. The amendment also proposed to repeal all references to criminal history records checks for educational personnel in Title 25.

**Senate Amendment "A" to Committee Amendment "B" (S-735)** proposed to maintain the discretion of a school superintendent to request criminal history record checks for applicants as in Committee Amendment "B," but would have specified that if a superintendent required a criminal history record check for an employee who is certified, authorized or approved and employed in another school administrative unit or private school and who subsequently applied for employment in that superintendent's school administrative unit or private school, then criminal history record checks must be obtained for all applicants to that school administrative unit whom the superintendent would have determined are candidates to whom the superintendent intended to extend an offer of employment.

The amendment proposed to change the date on which fingerprinting, conducting of criminal history record checks and forwarding of the results by the Department of Public Safety, State Bureau of Identification would have begun.

This amendment further proposed to clarify that it would have been the Department of Public Safety that obtained criminal history record checks and that criminal history record checks must have included a check of the criminal history record information maintained by the Maine Criminal Justice Information System and by the Federal Bureau of Investigation.

The amendment also proposed to specify that the Department of Education would have indicated to the school superintendent approval for an applicant, unless the applicant was subject to denial, revocation, suspension or nonrenewal under the Department of Education standards.

While Committee Amendment "B" as amended by Senate Amendment "A" was passed to be enacted by both bodies and sent to the Governor for approval, the Governor vetoed the bill and the Legislature failed to override the veto. Please also see LD 2490 regarding fingerprinting and criminal history record checks for educational personnel.

**LD 2546                      Resolve, to Ensure Equity to High School Athletes Participating in                      ONTP**  
**Skiing**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	ONTP	

LD 2546 proposed to extend the 1999-2000 high school downhill and cross-country skiing season until March 19, 2000. Under the current rules adopted by the Maine Principals' Association, the governing body for high school sports, the 1999-2000 high school downhill and cross-country skiing season is scheduled to end February 26, 2000; and competitions and the coaching of student athletes are prohibited beyond February 26, 2000.

**LD 2549                      An Act to Implement Recommendations Concerning Protection of                      PUBLIC 748**  
**Indian Archaeological Sites**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP	S-763 MICHAUD

LD 2549 proposed increased protection for archaeological sites by amending the laws governing these sites in the following ways. It proposed:

1. To amend the definition of an archaeological site on state-controlled land to include a site judged eligible for listing on the National Register of Historic Places by the Maine Historic Preservation Commission and approved by the appropriate land managing agency director or local governing body. Current law requires the site to be listed on the National Register of Historic Places.
2. To make the unlawful excavation of a protected archaeological site a Class E crime for which a fine of not less than \$250 must be adjudged. To provide that the court may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. Current law provides that unlawful excavation is a civil violation for which a forfeiture of not less than \$50 must be adjudged.
3. To provide that an emergency archaeological site designation may be made for a period not to exceed 10 years and that the Director of the Maine Historic Preservation Commission and the landowner shall specify in writing the area that is the subject of such a designation.

4. To provide funding for increased monitoring of archaeological sites. This funding supports a part-time monitoring coordinator using existing part-time project personnel and site monitors. It also provides funds for the development and delivery of training materials for law enforcement officers.

**Senate Amendment "A" (S-763)** proposed that the funding be on a one-time basis.

***Enacted law summary***

Public Law 1999, chapter 748 provides increased protection for archaeological sites by amending the laws governing these sites in the following ways.

1. It amends the definition of an archaeological site on state-controlled land to include a site judged eligible for listing on the National Register of Historic Places by the Maine Historic Preservation Commission and approved by the appropriate land managing agency director or local governing body. Current law requires the site to be listed on the National Register of Historic Places.
2. It makes the unlawful excavation of a protected archaeological site a Class E crime for which a fine of not less than \$250 must be adjudged. It provides that the court may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. Current law provides that unlawful excavation is a civil violation for which a forfeiture of not less than \$50 must be adjudged.
3. It provides that an emergency archaeological site designation may be made for a period not to exceed 10 years and that the Director of the Maine Historic Preservation Commission and the landowner shall specify in writing the area that is the subject of such a designation.
4. It provides one-time funding for increased monitoring of archaeological sites. This funding supports a part-time monitoring coordinator using existing part-time project personnel and site monitors. It also provides funds for the development and delivery of training materials for law enforcement officers.

**LD 2572**

**An Act to Fund the Cost of the Waiver of Tuition, Fees and Other Expenses for Native American Students in the Maine Technical College System, University of Maine System and Maine Maritime Academy**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS MURPHY T	ONTP	

LD 2572 was referred to the Appropriations and Financial Affairs Committee and proposed to provide funds to cover the cost of the waiver of tuition, fees and other expenses for students who are Native Americans in the Maine Technical College System, the University of Maine System and the Maine Maritime Academy.

**LD 2593****An Act to Extend the Use of Emotional Disability as an Indicator in the Identification of Exceptional Children****PUBLIC 721**Sponsor(s)Committee Report  
OTPAmendments Adopted

LD 2593 was reported by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 1999, chapter 424, Part A, section 11. The bill proposed to extend to June 30, 2002 the use of emotional disability as a factor in the identification of exceptional children from birth to 9 years of age. The bill also proposed that the Department of Education study the impact of the use of emotional and behavioral indicators and the likely impact of the use of developmental delay categories in the identification of exceptional children and issue an interim report in 2001 and a final report in 2002.

***Enacted law summary***

Public Law 1999, chapter 721 extends to June 30, 2002 the use of emotional disability as an identifying factor in the identification of exceptional children from birth to 9 years of age. The law also directs the Department of Education to study the impact of the use of emotional and behavioral indicators and the likely impact of the use of developmental delay categories in the identification of exceptional children.

**LD 2598****An Act to Enhance Teacher Development and Meet the Special Needs of Students at the Southern Maine Juvenile Facility****DIED BETWEEN BODIES**Sponsor(s)  
ROWE  
MURRAYCommittee Report  
OTP-AM MAJ  
ONTP MINAmendments Adopted

LD 2598 was referred to the Appropriations and Financial Affairs Committee and proposed to make an appropriation to the Southern Maine Juvenile Facility to enhance teacher development and meet special educational needs of students at the facility. Specifically, the bill proposed to provide \$100,000 for professional development in special education and alternative education, \$39,794 for an additional special education teacher and \$75,000 for tutors and short-term substitutes necessary to address the educational needs of students when the student population is at maximum capacity.

**LD 2608****An Act to Improve Educational Programming at Juvenile Correctional Facilities****PUBLIC 770  
EMERGENCY**Sponsor(s)  
BRENNAN  
BERUBECommittee Report  
OTP-AMAmendments Adopted  
H-956  
S-777 MICHAUD

LD 2608 proposed to do the following:

1. It proposed to require juvenile correctional educational programs and schools to receive annual approval by the Department of Education;
2. It proposed to amend the membership, duties, meeting and reporting requirements of the policy review council; and
3. It proposed to establish a task force to study educational programs at juvenile correctional facilities.

**Committee Amendment "A" (H-956)** proposed to clarify that the legislative members of the policy review council are voting, ex officio members. The amendment also proposed to make a technical correction to language in the bill and proposed to add an appropriation section and a fiscal note.

**Senate Amendment "A" to Committee Amendment "A" (S-777)** proposed to replace the committee amendment. The amendment proposed to clarify the membership of the task force on educational programming at juvenile correctional facilities and proposed to add an emergency preamble and clause.

***Enacted law summary***

Public Law 1999, chapter 770 requires juvenile correctional educational programs and schools to receive basic school approval by the Department of Education on an annual basis. The law also adds the chairpersons of the joint standing committee of the Legislature having jurisdiction over education matters as voting, ex officio members of the policy review council and requires the policy review council to meet at least four times a year and to submit a report each year to the Legislature. The law establishes a task force to study educational programs at juvenile correctional facilities, including the best methods of delivering educational services to students at these educational programs. The task force shall submit its report and any legislation necessary to the 120<sup>th</sup> Legislature by November 1, 2000. Public Law 1999, chapter 770 was enacted as an emergency measure effective May 8, 2000.

**LD 2636**

**An Act to Improve the Accountability of the Child Development Services System**

**PUBLIC 621**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2636 was reported by the committee pursuant to joint order. It proposed changes in the process for hiring Child Development Services Regional Site therapists. See LD 2304.

***Enacted law summary***

Public Law 1999, chapter 621 requires the Department of Education, in collaboration with boards of directors of the regional sites in the Child Development Services System, to provide for an annual fiscal and compliance audit of the sites, including review of decisions to hire site staff. The bill also requires site boards of directors to consult with regional provider advisory boards prior to hiring site staff and to provide documentation of the need for hiring such staff.



**LD 2647**

**An Act to Authorize a General Fund Bond Issue in the Amount of \$25,550,000 to Renovate Teaching Laboratories, Classrooms and Dormitories of the Maine Maritime Academy, the Maine technical College System and the University of Maine System**

**ONTP**

Sponsor(s)  
CATHCART  
BAKER

Committee Report  
ONTP

Amendments Adopted

LD 2647 was referred to the Appropriations and Financial Affairs Committee and proposed a bond issue in the amount of \$25,550,000, that would have been used to renovate higher education laboratories, classrooms and dormitories of the Maine Maritime Academy, the Maine Technical College System and the University of Maine System. While this bill failed to be enacted, the supplemental appropriations bill included \$22,550,000 in fiscal year 2000-01 to renovate higher education laboratories, classrooms and dormitories of the Maine Maritime Academy, the Maine Technical College System and the University of Maine System (see Public Law 1999, chapter 731, part A, section A-1).

**LD 2657**

**An Act to Clarify the Tuition Waiver Program for Persons Who Resided in Foster Care as Children**

**PUBLIC 774**

Sponsor(s)

Committee Report

Amendments Adopted  
H-1073 BRENNAN

LD 2657 proposed to eliminate the unmet need provisions of the tuition waiver program for foster children. The bill also proposed to clarify that 25 new foster children are eligible for a tuition waiver in each year.

**House Amendment "A" (H-1073)** proposed to require that the state postsecondary educational institutions affiliated with the University of Maine System, the Maine Maritime Academy and the Maine Technical College System shall absorb the reduction in tuition revenues that results from providing a tuition waiver to an eligible person under the tuition waiver program for students who resided in foster care as children. The amendment also proposed to specify that these institutions may not request additional General Fund appropriations from the Legislature to offset the reduction in tuition revenues.

***Enacted law summary***

Public Law 1999, chapter 774 eliminates the unmet need provisions of the tuition waiver program for foster children and clarifies that 25 new foster children are eligible for a tuition waiver in each year. The law also requires that the state postsecondary educational institutions affiliated with the University of Maine System, the Maine Maritime Academy and the Maine Technical College System shall absorb the reduction in tuition revenues that results from providing a tuition waiver to an eligible person under the tuition waiver program for students who resided in foster care as children. The law further specifies that these institutions may not request additional General Fund appropriations from the Legislature to offset the reduction in tuition revenues.

**LD 2661**

**An Act to Implement Recommendations of the Joint Standing  
Committee on Education and Cultural Affairs Relating to the  
Review of the State Cultural and Other Agencies under the State  
Government Evaluation Act**

**PUBLIC 706**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2661 proposed to implement the recommendations made by the Joint Standing Committee on Education and Cultural Affairs as a result of the committee's review of state cultural agencies and other agencies under the State Government Evaluation Act. The bill proposed to:

***Enacted law summary***

Public Law 1999, chapter 706 implements the recommendations made by the Joint Standing Committee on Education and Cultural Affairs as a result of the committee's review of state cultural agencies and other agencies under the State Government Evaluation Act. The law:

1. Repeals the law establishing the Maine Conservation School; the school will continue as a nonprofit corporation operating under general Maine law;
2. Reduces the term of members of the Maine State Museum Commission from 6 years to 4 years, establishes a 2-term limit for members and provides for the transition from the old law to the new law;
3. Repeals obsolete provisions and enacts an updated law governing the qualifications, appointment and duties of the State Historian;
4. Increases from \$40,000 to \$50,000 the cap on Percent for Art Program projects for public schools that elect to participate in the program; and
5. Provides for a separate annual budget line for the Maine Humanities Council.

**LD 2679**

**An Act to Establish the Council on Children and Families and to  
Ensure the Continuation of the Governor's Children's Cabinet**

**PUBLIC 785  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

S-780 MICHAUD

LD 2679 proposed to establish the Council on Children and Families to advise the Governor, certain state departments, the Legislature and the judiciary regarding the following goals: to encourage a coordinated system of education and services for children and families, to evaluate the allocation of resources, to promote coordinated budgets and policy, to evaluate program effectiveness and to promote an informal information exchange. The proposed membership of 13 includes 5 commissioners of state departments, a judge and 7 Legislators. Staffing is proposed to be provided primarily by the Governor's office, which would also administer the budget. The bill further proposed to ensure that the Governor's Children's Cabinet, and the resultant collaboration on children's policy development and program implementation that

it has created, would continue beyond the end of the current administration. The proposal to codifying the Governor's Children's Cabinet in statute and endorse the expectation of interdepartmental program coordination and the use of so-called "pooled-flexible funds" to provide integrated programs and services to children and families was one of the recommendations of the Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students.

**Senate Amendment "A" (S-780)** proposed to strike out sections of law that were repealed by Public Law 1999, chapter 668. The amendment proposed to add an emergency preamble and emergency clause, revise the limitations of appointments of members, limit Legislators serving on the Council on Children and Families to the period of their legislative term and insert an annual reporting date.

#### ***Enacted law summary***

Public Law 1999, chapter 785 establishes the Council on Children and Families to advise the Governor, certain state departments, the Legislature and the Judiciary regarding the following goals: to encourage a coordinated system of education and services for children and families, to evaluate the allocation of resources, to promote coordinated budgets and policy, to evaluate program effectiveness and to promote an informal information exchange. This law also ensures the continuation of the Governor's Children's Cabinet by codifying the cabinet in statute and endorsing the expectation of interdepartmental program coordination and the use of so-called "pooled-flexible funds" to provide integrated programs and services to children and families.

Public Law 1999, chapter 785 was enacted as an emergency measure effective May 10, 2000.

**LD 2690**

### **An Act to Implement the Recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf**

**PUBLIC 775**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2690 is the unanimous report of the committee pursuant to HP 1587. The bill proposed to make several changes to the governance system and the educational programs of the Governor Baxter School for the Deaf. The bill proposed to amend the structure of the school board and to make a number of transition provisions to grant the school board greater autonomy in governing and operating the programs of the school. The bill proposed to accomplish the following.

1. It proposed to provide for a transition over a 2-year period to achieve greater autonomy from State Government; the proposed transition would be fully accomplished by July 1, 2002.
2. It proposed to require the Department of Education and the School Board of the Governor Baxter School for the Deaf to adopt or amend rules related to funding the programs authorized by the school; and it proposed to permit the School Board of the Governor Baxter School for the Deaf greater budget flexibility in operating the school.
3. It proposed to establish a School Board for the Governor Baxter School for the Deaf appointed by the Governor and confirmed by the Legislature.

4. It proposed to allow the school board to authorize and operate satellite school programs.
5. For the next 2 years, it proposed to establish a limit on the number of students enrolled in the residential program at Mackworth Island. The superintendent of the school may request a waiver of the residential enrollment limit from the commissioner on a case-by-case basis if a student's individualized education plan requires a placement in a residential program. Also beginning with the 2002-03 school year, the school board must establish a satellite school program that offers an array of educational programs.
6. It proposed to require a needs assessment to be conducted by a team appointed by the State Board of Education to determine the educational needs of deaf and hard-of-hearing students in all geographic areas of the State. A preliminary report from the proposed needs assessment team must be presented to the Legislature by February 1, 2001 and the final report is due by February 1, 2002. The proposed needs assessment team would also make recommendations on the continued need for a limit on enrollment for the residential program on Mackworth Island and the enrollment capacity of the residential program at both Mackworth Island and any satellite program.
7. It proposed to require submission of an annual budget request to the Legislature for approval and proposed to provide that the Governor Baxter School for the Deaf may keep any lapsed balances in its program account in fiscal years 1999-00 and 2000-01 for the purposes of implementing the basic school approval corrective action plan and preparing to accomplish the transition.

#### ***Enacted law summary***

Public Law 1999, chapter 775 implements several recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf. The law makes several changes to the governance system and the educational programs of the Baxter School, including providing the school board of the Baxter School with greater budget flexibility in operating the school, altering the composition and appointment process of the school board and making a number of transition provisions over the next two years to grant the school board greater autonomy from state government in governing and operating the programs of the school.

The law clarifies that the school board is authorized to operate satellite school programs. The law also establishes a limit on the number of students enrolled in the residential program at Mackworth Island for the next 2 years; and creates an administrative mechanism to allow the superintendent of the school to request a waiver of the residential enrollment limit from the commissioner on a case-by-case basis. The law further provides that, beginning with the 2002-03 school year, the school board must establish a satellite school program that offers an array of educational programs.

In addition, the law requires the school board to make provisions for a needs assessment to determine the educational needs of deaf and hard-of-hearing students in all geographic areas of the State. The needs assessment team will also make recommendations on the continued need for a limit on enrollment for the residential program on Mackworth Island and the enrollment capacity of the residential program at both Mackworth Island and any satellite program established by the school board. The needs assessment will be conducted by a team appointed by the State Board of Education; and the school board will provide a preliminary report of the results of the needs assessment to the Legislature by February 1, 2001. The final report is due to the Legislature by February 1, 2002.

**HP 1938**

**JOINT ORDER – Relative to the Joint Study Committee to Study  
Bomb Threats in Maine Schools**

**PASSED**

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order HP 1938 was read and passed in both chambers and establishes the Joint Study Committee to Study Bomb Threats in Maine Schools to study the problem of bomb threats in schools in the State and possible methods of deterring bomb threats in schools, including withholding privileges, such as driver's licenses and other licenses, from a student convicted of or participating in making a bomb threat until the student is 20 years of age.

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